IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.650 OF 2007
WITH
CIVIL APPLICATION NO.1187 OF 2007

Chandrakant Bhau Bhosale .. Appellant.
Vs.
Anand Ramchandra Kumbhar .. Respondent.

Mr.H.S.Shreepad Murthy for the appellant.
Mr.Pratap Patil for the respondent.

CORAM : D.B.BHOSALE, J.
DATED : 6TH SEPTEMBER, 2007.

P.C.:

. Heard learned counsel for the parties.

2. This appeal is directed against the judgments of the courts below by which a suit filed by the respondent-plaintiff for injunction simplicitor stands decreed. Mr.Murthy, learned counsel for the appellant submits that the courts below have not considered and examined the defence of the defendants that there is cart track on the south west corner of the suit property which leads to the house of defendants and that the defendants have easmentary right over the said track. I perused the judgments of the courts below and more particularly a memo of the appeal filed before the first appellate court. I do not see either from the reasoning recorded by the

courts below or from the memo of appeal such point being raised by the appellant in the suit for injunction simplicitor based on the title. The issue, regarding the right of way was not the subject in the suit. Both the courts below after having taken into consideration the entire evidence on record held that the plaintiff is in lawful possession of the property and is entitled for permanent injunction as prayed. The findings recorded by the courts below, in my opinion, are based on the material on record and they do not deserve any interference by this court in the second appeal. No substantial question of law is either raised or involved in this appeal. Hence the second appeal is dismissed. Consequently, the civil application is disposed of.

(D.B.BHOSALE, J.)